

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 10/18/06 - KW
Bulk Item: Yes ☐ No ☒

Division: Growth Management Division
Staff Contact Person: Reggie Paros/Jerry D. Sanders

AGENDA ITEM WORDING:

Approval and Adoption of Amendment to 2010 Comprehensive Plan Policy 101.4.21 clarifying maximum densities for density bonuses for affordable, employee and workforce housing units of 750 sq. ft. or less in size in the mixed use/commercial and residential high future land use categories for specified districts within those categories, using the expedited adoption proceeding provided in the *Community Workforce Housing Innovation Pilot Program ("CWHIP")* for specific parcels or grouping of parcels.

(Only One Hearing Required)

ITEM BACKGROUND:

The Florida Legislature recently enacted Session Law 2006-069, Section 27 of which was the *Community Workforce Housing Innovation Pilot Program ("CWHIP")*, now codified as F.S. §420.5095.

CWHIP will potentially make up to \$5,000,000 dollars available for innovative workforce housing public-private partnerships available to one or more projects in Monroe County should required comprehensive plan amendments, land acquisition and other measures be taken in time to qualify for the program. F.S. 420.5095 authorizes an expedited process for these amendments requiring only one hearing - the adoption hearing.

The proposed Comprehensive Plan Amendment will clarify maximum densities for density bonuses for affordable housing units between 400 - 750 square feet allowing density to be increased for such small units within certain land use districts for specific parcels or grouping of parcels.

PREVIOUS RELEVANT BOCC ACTION:

Ordinance 15-2006 adopted by BOCC on 4/19/06 to provide for density bonuses, subsequently rejected by the DCA citing clarification needed to the 2010 Comprehensive Plan. BOCC approved a challenge to DCA's rejection which is pending before DOAH.

Approval of forwarding Notice of Intention to Adopt an Amendment to the 2010 Comprehensive Plan and advertising same for density bonuses for small affordable housing units by BOCC on 9/13/06.

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: _____

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐

AMOUNT PER MONTH _____ **Year** _____

APPROVED BY: County Atty.  OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included ☐ Not Required ☐

DISPOSITION: _____

AGENDA ITEM # _____

ORDINANCE NO. _____-2006

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE YEAR 2010 COMPREHENSIVE PLAN **ADOPTING** ADDITIONAL DENSITY BONUS PROVISIONS IN ACCORDANCE WITH SECTION 420.5095, F.S. FOR SPECIFIC PARCELS OR PARCEL GROUPINGS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; AND DIRECTING THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Policy 601.1.3 directs the County to have its Planning Department work “to increase local utilization of state and federal funding programs”; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Policy 601.1.4 directs the County to “[e]xpand the County's participation in Federal and State housing assistance programs to rehabilitate owner and rental housing for low and moderate income residents by seeking grants, loans, and technical assistance”; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Policy 601.1.10 directs the County to “strive to participate in the State Housing Incentives Partnership Program as specified in the 1992 William Sadowski Affordable Housing Act, ...adopt a Local Housing Assistance Ordinance which establishes a local housing partnership; a local housing trust fund; administrative responsibilities; and a Local Housing Advisory Committee... [and to T]hereafter...write and implement a Local Housing Assistance Plan and a Local Housing Incentives Plan as specified in the Act.”; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Policy 601.1.12 directs the County to “adopt Land Development Regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing”; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Policy 601.1.13 directs the County Land Authority to “coordinate with developers of affordable housing projects when land acquisition proposals or donation requests are submitted to the Land Authority,” and to “acquire and donate land for projects if they are deemed appropriate and acceptable by the Land Authority”; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Objective 601.2 directs the County to “adopt programs and policies to encourage housing of various types, sizes and price ranges to meet the demands of current and future residents”; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Objective 601.6 directs the County to "formulate housing implementation programs corresponding to each of the specific objectives defined within this element, including:

...

- 2 incentive programs, to be implemented in conjunction with the Permit Allocation System, to promote the development of affordable and elderly housing"; and ...

WHEREAS, in 2006 the Florida Legislature enacted Section 420.5095, F.S. which implemented the Community Workforce Housing Innovation Pilot Program ("CWHIP"); and

WHEREAS, CWHIP will potentially make up to \$5,000,000 dollars available for innovative workforce housing public-private partnerships available to one or more projects in Monroe County should required comprehensive plan amendments, land acquisition and other measures be taken in time to qualify for the program; and

WHEREAS, CWHIP provides that funding priority will be given to counties where regulatory incentives are timely adopted including "adopting land development regulations designed to allow flexibility in densities" and financial strategies including "local contributions" such as "providing land": and

WHEREAS, Florida Housing Finance Corporation ("Florida Housing"), the agency responsible for administering CWHIP, has recently recognized Monroe County as the highest cost burdened county for housing affordability and CWHIP is designed to allocate funds with priority to "high cost" and "high growth" counties; and

WHEREAS, CWHIP gives special recognition to permissible median income levels to be served with CWHIP funding awards in any county which has been designated as an Area of Critical State Concern for more than 20 years, of which Monroe County is a qualifying jurisdiction; and

WHEREAS, CWHIP will potentially make its funding available for innovative workforce housing public-private partnerships available to one or more projects in Monroe County should required comprehensive plan amendments, land acquisition and other measures be taken in time to qualify for the program; and

WHEREAS, pursuant to CWHIP Monroe County and its municipalities have defined "Essential Services Personnel" in the Local SHIP Local Housing Assistance Plan ("LHAP"), by promptly amending its LHAP on September 20, 2006; and

WHEREAS, Monroe County intend wherever possible to make application for funding under CWHIP and other funding sources; and

WHEREAS, Monroe County intends to use density bonuses and other innovative land use mechanisms to maximize the potential affordable, workforce and employee housing opportunities in land use districts near employment centers and public transportation facilities

and the County has determined those districts to primarily be the Suburban Commercial, Mixed Use and Urban Residential land use districts, which districts already allow multi-family housing and are most suitable for density bonuses and other mechanisms to maximize economical housing potential; and

WHEREAS, the Board of County Commissioners makes the following findings of fact:

1. A lack of sufficient affordable housing opportunities for the local workforce creates serious risks to the local economy.
2. There is limited land area suitable for residential development remaining in the County.
3. There is a current estimated unmet need of as many as 7,317 affordable units in the County.
4. Further delineation and emphasis on density bonuses will clearly comport and further CWHIP's encouragement of "flexibility in densities" and will likely lead to the creation of more affordable housing under the Code.
5. Certain amendments to Policy 101.4.21 will more clearly delineate the 2010 Comprehensive Plan's existing density bonus provisions and facilitate appropriate amendments to the land development regulations.
6. The County has acquired up to four (4) parcel groupings where density bonuses might increase the prospect of funding as a CWHIP project or even other state or federal housing assistance programs and the County is willing to contribute the land to such a project with an identified private partner as required under CWHIP.
7. The Carlisle Group has successfully completed projects with Florida Housing, has the expertise to put together a competitive RFP response, and has indicated a willingness to partner with the County if the County moves promptly to make regulatory changes relating to density and other matters to help make workforce housing projects feasible under CWHIP and other programs.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The following language and related density chart are adopted as an amendment to the Monroe County Year 2010 Comprehensive Plan to replace in their entirety the current Policy 101.24.1:

Policy 101.4.21

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17:

[9J-5.006(3)(c)7]. Irrespective of the numerical density figures set forth in the table included in this policy, the allowable density for the parcels referenced below specifically designated for state or federal project funding under programs including, but not limited to, those made possible by Florida Statutes Section 420.5095, where the potentially affected parcels are designated in writing to the Department of Community Affairs, and where the contemplated project is made up entirely of residential units that meet affordable, employee and/or workforce housing guidelines set forth in the land development regulations, shall for the purpose of density calculations only, permit the construction of bonus deed-restricted affordable, employee and workforce housing units (as defined in MCC ss9.5-(A-4-5) and (E-1), respectively) in the SC, MU, and UR land use districts, where such units range in size from 400 to 750 square feet and contain no more than a single bedroom. A bonus smaller unit for density purposes shall be available for each smaller unit built within the normal density figures set forth in the density and intensity table included in this policy. The density bonus shall not exceed an additional smaller affordable or employee housing unit for each smaller, affordable, employee and workforce housing unit constructed in the SC, MU, and UR land use districts. Thus, by use of this density bonus provision for the construction of additional affordable, employee and workforce housing units maximum density may increase up to 36 (SC), 36 (MU) and 50 (UR) units per acre, respectively, where all units are 750 sq. ft. or smaller in size and contain no more than a single bedroom. Initial designation is made to the Department of Community Affairs of the following parcels subject to the density bonus provision set forth herein, for which this provision solely applies:

- a. Big Coppitt Key – U.S. 1 frontage between Sapphire and Emerald Streets – appr. .85 acres – RE No. 00156320-000000 – Zoning SC
- b. Key Largo Mandalay Subdivision – 1st Avenue between E First and Second Streets – appr. .7 acres – RE Nos. 00554720-000000 and 00554720-0001000 – Zoning UR
- c. Cudjoe Key – US 1 and La Fitte Drive frontage – appr. 1.15 acres – RE Nos. 00178350-000000, 00178360-000000, 00178370-000000, 00178380-000000 – Zoning SC
- d. Key Largo – US 1/State Service Road and Burton Drive – appr. 2.72 acres – RE No. 00488730-000000 – Zoning SC

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Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) ^(g) (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45
Mixed Use/Commercial Fishing (MCF) ^(g) (CFA, CFV ^(c) , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS ^(d) , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D ^(e) , URM ^(e) , and UR ^(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0
Notes:			
(a) "N/A" means that maximum net density bonuses shall not be available.			
(b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.			
(c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.			

- (d) Maximum net density bonuses shall not be available to the SS district.
- (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses shall not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

Section 2. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be transmitted to the Department of Community Affairs pursuant to law.

Section 5. This ordinance shall be filed in the Office of the Secretary of the State of Florida and shall become effective in accordance with Section 420.5095, Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 18th day of October, A.D., 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Dixie Spehar
Commissioner George Neugent
Commissioner Mario Di Gennaro
Commissioner Glenn Patton

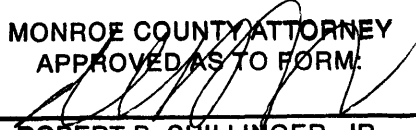
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

ROBERT B. SHILLINGER, JR.
CHIEF ASSISTANT COUNTY ATTORNEY
Date: 10-18-06

Jerry Coleman, Esq.
Email: jerrycolemanpl@bellsouth.net
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Fax: 305-296-6200

MEMORANDUM (CONSULTANT REPORT) - REVISED

TO: Monroe County Board of County Commissioners

FROM: Jerry Coleman

DATE: October 10, 2006

MEETING DATE: October 18, 2006

RE: REVISIONS TO MONROE COUNTY COMPREHENSIVE PLAN POLICY 101.4.21 CLARIFYING MAXIMUM DENSITIES AND DENSITY BONUSES FOR AFFORDABLE, EMPLOYEE AND WORKFORCE 1-BEDROOM HOUSING UNITS OF 750 SQ. FT. OR LESS IN SIZE IN THE MIXED USE/COMMERCIAL AND RESIDENTIAL HIGH FUTURE LAND USE CATEGORIES FOR A SPECIFIED PARCEL OR GROUPING OF PARCELS FOR SPECIFIED DISTRICTS WITHIN THOSE CATEGORIES

I. BACKGROUND

[PLEASED NOTE THAT REVISIONS TO THE OCTOBER 6 CONSULTANT MEMORANDUM UNDERLINED – RESTRICTION TO ONE BEDROOM OR LESS FOR DENSITY BONUS UNITS WAS INADVERTENTLY OMITTED] This proposed Comprehensive Plan amendment to the expedited procedure allowed under Section 420.5095, F.S. (the Community Workforce Housing Innovation Pilot Program (“CWHIP”), in light of the fact that the County contemplates pursuing application for one or more CWHIP projects for state funding which would benefit from the allowed densities. By written Section 420.5095, F.S. notices, dated September 13, 2006, submitted to the Department of Community Affairs, the County advised of a planned October 18, 2006 adoption hearing of three (3) draft comprehensive plan amendments for contemplated CWHIP projects (dealing with density bonuses, height incentives and fractional ROGO allocations for smaller units, respectively). The author of this report advised the BOCC on September 13 in Key Largo that per the BOCC’s direction staff would work with the Department and would not present any proposed amendments for adoption on October 18 if the Department had registered objections to the final form presented. After discussions with the Department, staff has decided to withdraw the proposed CWHIP fractional ROGO amendment at this time. The Department maintains that any CWHIP comp plan amendment must be limited to specified potential CWHIP project parcels (of which the County

itself owns four (4) single or contiguous groupings of such identified parcels). Therefore, the proposed new density bonus language amendment here will not operate anywhere in the County other than for specifically identified parcels set forth in the amendment.

It should be noted that on April 19, 2006 the BOCC adopted Ordinance No. 015-2006, an LDR that provides a density bonus for affordable and employee housing in certain districts where the units are only 400 to 750 square feet in size and contain no more than a single bedroom. This included an amendment to Section 9.5-4 defining these smaller “half” units (for density purposes). This proposed comp plan amendment would specifically authorize this same type of bonus, but only for the properties identified for consideration in the CWHIP program. There remains a continuing dispute with the Department of Community Affairs regarding its rejection of Ordinance No. 015-2006. The BOCC directed staff to appeal the Department’s decision which it did. The appeal case has been stayed for the time being.

II. SUMMARY

The proposed Comprehensive Plan Amendment to Policy 101.4.21 will add the following underlined language applicable at this time only to the CWHIP designated parcels, leaving the current Future Land Use Densities and Intensities Table unchanged by this amendment:

So the new policy and chart will look like this (underlined language is new):

Policy 101.4.21

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17: [9J-5.006(3)(c)7]. Irrespective of the numerical density figures set forth in the table included in this policy, the allowable density for parcels specifically designated for state or federal project funding under programs including, but not limited to, those made possible by Florida Statutes Section 420.5095, where the potentially affected parcels are designated in writing to the Department of Community Affairs, and where the contemplated project is made up entirely of residential units that meet affordable, employee and/or workforce housing guidelines set forth in the land development regulations, shall for the purpose of density calculations only, permit the construction of bonus deed-restricted affordable, employee and workforce housing units (as defined in MCC ss9.5-(A-4-5) and (E-1), respectively) in the SC, MU, and UR land use districts, where such units range in size from 400 to 750 square feet **and contain no more than a single bedroom**. A bonus smaller unit for density purposes shall be available for each smaller unit built within the normal density figures set forth in the density and intensity table included in this policy. The density bonus shall not exceed an additional smaller affordable or employee housing unit for each smaller, affordable, employee and workforce housing unit constructed in the SC, MU, and UR land use districts. Thus, by use of this density bonus provision for the construction of additional affordable, employee and

workforce housing units maximum density may increase up to 36 (SC), 36 (MU) and 50 (UR) units per acre, respectively, where all units are 750 sq. ft. or smaller in size and contain no more than a single bedroom. Initial designation is made to the Department of Community affairs of the following parcels subject to the density bonus provision set forth herein, though subsequent written notifications of otherwise qualifying parcels need not be made in the form of a plan amendment:

- a. Big Coppitt Key – U.S. 1 frontage between Sapphire and Emerald Streets – appr. .85 acres – RE No. 00156320-000000 – Zoning SC
- b. Key Largo Mandalay Subdivision – 1st Avenue between E First and Second Streets – appr. .7 acres – RE Nos. 00554720-000000 and 00554720-0001000 – Zoning UR
- c. Cudjoe Key – US 1 and La Fitte Drive frontage – appr. 1.15 acres – RE Nos. 00178350-000000, 00178360-000000, 00178370-000000, 00178380-000000 – Zoning SC
- d. Key Largo – US 1/State Service Road and Burton Drive – appr. 2.72 acres – RE No. 00488730-000000 – Zoning SC

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Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC) ^(a) (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45
Mixed Use/Commercial Fishing (MCF) ^(a) (CFA, CFV ^(c) , CFSD zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS ^(d) , SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D ^(e) , URM ^(e) , and UR ^(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0
Notes: (a) "N/A" means that maximum net density bonuses shall not be available. (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available. (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.			

- (d) Maximum net density bonuses shall not be available to the SS district.
- (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

The changes with this comp plan amendment are as follows:

1. Authorizes density bonuses for small affordable units to a maximum net density in the SC district from 18 to 36 dwelling units (if all are small deed-restricted dwelling units) for the identified parcels.
2. Authorizes density bonuses for small affordable units to a maximum net density in the MU district from 18 to 36 dwelling units (if all are small deed-restricted dwelling units) for the identified parcels.
3. Authorizes density bonuses for small affordable units to a maximum net density in the UR district from 25 to up 50 dwelling units (if all are small deed-restricted dwelling units for the identified parcels).

III. FINDINGS OF FACT AND SUPPORTING DATA AND ANALYSIS PER RULE 9J-5, F.A.C.

1. The prior adopted LDRs were determined to be consistent with Section 9.5-511(d)(5)b.(i), (ii), (iv) and (v); to wit, “changed projections”, “changed assumptions”, “new issues” and “recognition of a need for additional detail or comprehensiveness” and the 2010 Comprehensive Plan.
2. Staff finds the proposed clarifying amendment to be consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan.
3. The BOCC notes that numerous statutes encourage density bonuses and higher densities in appropriate areas, among them:
 - a. F.S. 420.6156 which encourages density bonus incentives to be applied to land donated for affordable housing uses.
 - b. F.S. 163.3177 which encourages comp plan identification of land use densities, building intensities, and transportation management programs to promote public transportation systems in designated public transportation corridors so as to encourage population densities sufficient to support such systems.

- c. F.S. 163.3177: The Legislature finds that mixed-use, high-density development is appropriate for urban infill and redevelopment areas. Mixed-use projects accommodate a variety of uses, including residential and commercial, and usually at higher densities that promote pedestrian-friendly, sustainable communities. The Legislature recognizes that mixed-use, high-density development improves the quality of life for residents and businesses in urban areas. The Legislature finds that mixed-use, high-density redevelopment and infill benefits residents by creating a livable community with alternative modes of transportation. Furthermore, the Legislature finds that local zoning ordinances often discourage mixed-use, high-density development in areas that are appropriate for urban infill and redevelopment. The Legislature intends to discourage single-use zoning in urban areas which often leads to lower-density, land-intensive development outside an urban service area. Therefore, the Department of Community Affairs shall provide technical assistance to local governments in order to encourage mixed-use, high-density urban infill and redevelopment projects.
4. Policy 101.4.4 of the 2010 Comprehensive Plan provides that “the principal purpose of the Residential High category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers.” The Urban Residential (UR) district affected by this comp plan change is in the Residential High land use category. All districts that have been zoned UR have thus been previously approved by the Department as consistent with high density use located near employment centers. No new parcels are here being proposed for more intense zoning than already exists. The UR district already allows under Sec. 9.5-233 “attached dwelling units” so no substantial change of character will occur in this regard. Recreational, marina and time-share uses are also permitted as well as pre-existing lawfully nonconforming uses.
5. Policy 101.4.5 of the 2010 Comprehensive Plan provides that “the principal purpose of the Mixed Use/Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted.” No new parcels are being proposed for more intense Mixed Use or Suburban Commercial zoning than already exists. The MU and SC districts already allow under Secs. 9.5-235 and 9.5-248 a tremendous variety of commercial uses which necessary will offer employment in the district near the potential workforce housing and require transportation options to service the already allowed commercial uses. Moreover these districts already allow “commercial apartments involving less than six (6) dwelling units”, “attached and unattached residential dwellings involving less than six (6) units, designated as employee housing”, “commercial apartments involving six (6) to eighteen (18) dwelling units”, “attached and unattached residential dwellings involving six (6) to eighteen (18) units, designated as employee housing”, and “attached and unattached

residential dwellings involving more than eighteen (18) units, designated as employee housing”, so no substantial change of character will occur in this regard. Recreational, marina and time-share uses are also permitted as well as pre-existing lawfully nonconforming uses.

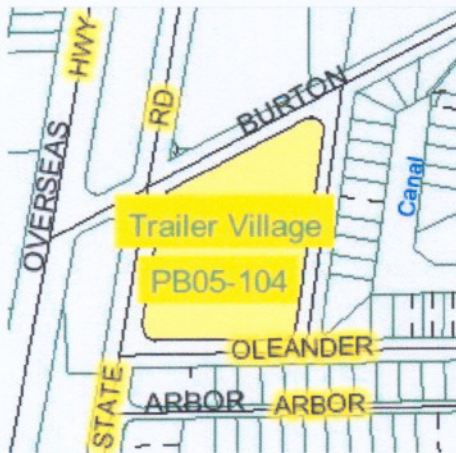
6. Consultant staff finds the amendment consistent with F.A.C. Chapter 9J-5, Chapter 163 and 420 Florida Statutes, and The Principles for Guiding Development, Section 380.0552, Florida Statutes.

IV. PROPOSED TEXT CHANGE

Please see attached Ordinance.

V. RECOMMENDED ACTION

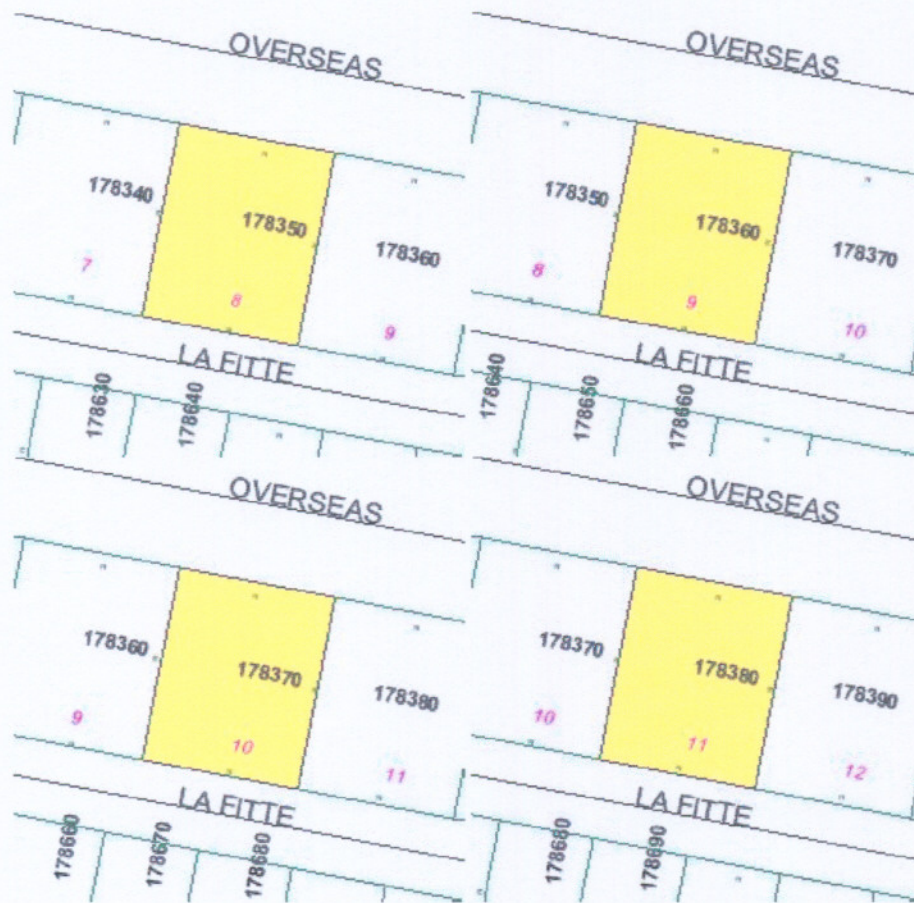
Based on the Findings of Fact, Workforce Housing Task Force counsel recommends **APPROVAL** of the proposed text change to Comprehensive Plan Policy 101.4.21 and the County Attorney’s office has reviewed the ordinance for legal sufficiency. The Department of Community Affairs has not had a full opportunity to comment on the initial or this revised report or the proposed amendment because they were communicated to the Department on Friday, October 6, and Tuesday, October 10, respectively, though the Department’s comments will be relayed prior to or at the hearing on this ordinance or staff will recommend withdrawal from or continuance on the agenda.



Current Zoning SC 18 units/acre 2.72 acres = 39 units/ 78 density bonus application

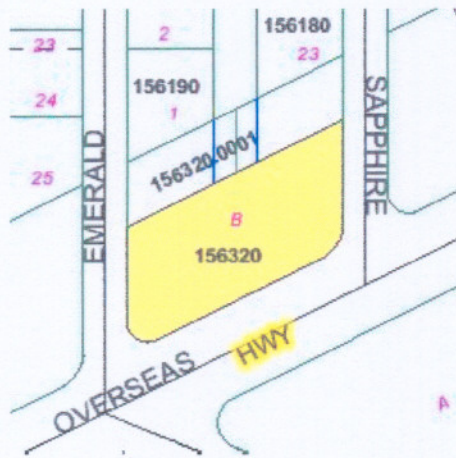
30 over 750 sq. ft.
 9 under 750 sq. ft.
9 bonus under 750 sq. ft.
 48

27 over 750 sq. ft.
 12 under 750 sq. ft.
12 bonus 750 sq. ft
 51



Current Zoning SC 18 units/acre 1.15 acres = 16 units/ 32 units density bonus application

12 over 750 sq. ft
 4 under 750 sq. ft
 4 bonus 750 sq. ft
20



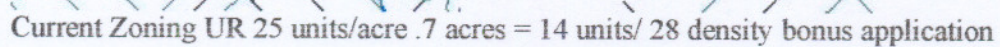
Current Zoning SC 18 units/acre .85 acres = 12 units/ 24 units density bonus application

8 over 750 sq. ft

4 under 750 sq. ft

4 bonus 750 sq. ft

16



10 over 750 sq. ft.
4 under 750 sq. ft.
4 bonus 750 sq. ft.
18